

SHB 1000 - H AMD TO H AMD (H-1941.2/13) **238**

By Representative Pedersen

FAILED 03/11/2013

1 On page 1, line 12 of the striking amendment, after "(2)" strike
2 all material through "(3)(a)(i)" and insert "Except as otherwise
3 provided in subsection (3), any provider as defined in subsection
4 (4)(a)(i)"

5
6 On page 1, line 15 of the striking amendment, after "subsection"
7 strike "(3)(a)(iv)" and insert "(4)(a)(iv)"

8
9 On page 1, line 24 of the striking amendment, after "(3)" insert
10 "The immunity provided in subsection (2) shall not apply if the
11 provider or facility knows or would know based on an examination of
12 records in its possession that either:

13 (a) The instructions contained in the form are inconsistent with
14 an advance directive that has not been modified or revoked and that
15 was executed by the patient pursuant to 70.122 RCW or a similar
16 statute from another jurisdiction; or

17 (b) The patient has executed and has not revoked a durable power
18 of attorney, including the authority to make medical decisions,
19 pursuant to 11.94 RCW or a similar statute of another jurisdiction and
20 the form was executed by someone other than the patient or the person
21 holding the power of attorney.

22 (4)"

23
24 On page 2, at the beginning of line 23 of the striking amendment,
25 strike "(4)" and insert "(5)"

26

EFFECT: Identifies two circumstances in which the immunity for carrying out the instructions on the form does not apply: if the

provider or facility knows or would know based on an examination of its records that:

(1) The form's instructions are inconsistent with a validly executed advance directive; or

(2) The patient has granted durable power of attorney to another person to make medical decisions and the form was executed by someone other than the patient or the person holding durable power of attorney.

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